

EXHIBIT 11

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

Videotaped deposition of CATHERINE PLACEK,
taken on behalf of the Plaintiffs, at Premier Business
Center At The Atrium, 19200 Von Karman Avenue,
Sixth Floor, Irvine, California, 92612, commencing
at 10:09 a.m., Friday, June 23, 2017, before
ANGELIQUE MELODY FERRIO, CSR No. 6979.

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1	that entire video; had you heard the first part of	12:15:13
2	the video before?	12:15:16
3	MR. FLAUTT: Vague and ambiguous, assumes	12:15:17
4	facts not in evidence, lacks foundation, calls for	12:15:19
5	speculation. She doesn't even know that it's a	12:15:22
6	complete video. Please answer.	12:15:25
7	THE WITNESS: I'm not sure. I think it	12:15:26
8	sounds somewhat familiar.	12:15:29
9	BY MR. FRANKLIN:	12:15:30
10	Q. But you think that you might have just	12:15:31
11	listened to it one time before?	12:15:33
12	A. Possibly, yes.	12:15:34
13	Q. More than one time, do you know?	12:15:35
14	A. No. It wouldn't have been more than one	12:15:37
15	time.	12:15:39
16	Q. Okay. Did you have an occasion to listen to	12:15:39
17	it with Mr. Wellington Hengst?	12:15:43
18	A. No.	12:15:45
19	Q. How about did you have an occasion to listen	12:15:46
20	to it with the Chief of Police Jeff Kepley?	12:15:49
21	A. No.	12:15:52
22	Q. In terms of the phrase, we know all of them,	12:15:52
23	in terms of your understanding, do you know what you	12:16:06
24	meant by that?	12:16:08
25	A. What I meant is that we're a small community	12:16:10

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1 and we know a lot of residents within the City. And 12:16:14
2 we know people that frequently surf the area. 12:16:19
3 Q. And were you referring to anybody in 12:16:27
4 particular when you said that? 12:16:29
5 A. Pertaining to what? 12:16:31
6 Q. We know all of them? 12:16:32
7 MS. BACON: Lacks foundation, calls for 12:16:36
8 speculation. 12:16:38
9 THE WITNESS: I'm confused. Are you asking 12:16:41
10 about the "we" or the "them" part? 12:16:42
11 BY MR. FRANKLIN: 12:16:44
12 Q. I guess it's both. 12:16:44
13 What were you referring to when you say "we"? 12:16:46
14 MR. FLAUTT: Vague and ambiguous, lacks 12:16:48
15 foundation, calls for speculation. Please answer. 12:16:50
16 THE WITNESS: Certain people in the 12:16:52
17 department are familiar with people that surf in that 12:16:54
18 area. 12:16:57
19 BY MR. FRANKLIN: 12:16:57
20 Q. Were you including yourself as part of that 12:16:57
21 "we"? 12:17:00
22 A. No. 12:17:01
23 Q. And so are you referring to the Police 12:17:02
24 Department? 12:17:05
25 A. Certain members of the Police Department. 12:17:05

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1	<u>Q. What members were you referring to?</u>	12:17:07
2	<u>A. Specifically, Sergeant Barber.</u>	12:17:09
3	<u>Q. And anybody else besides Sergeant Barber?</u>	12:17:14
4	<u>A. No.</u>	12:17:17
5	<u>Q. And why is it that you were referring to</u>	12:17:17
6	<u>Sergeant Barber?</u>	12:17:20
7	<u>A. He was the subject that I believe knows a lot</u>	12:17:21
8	<u>of the subjects that surf in the area.</u>	12:17:24
9	Q. And how do you know that?	12:17:27
10	A. I don't know for sure that he knows everyone.	12:17:29
11	I just know that he knows people that surf in the	12:17:34
12	area.	12:17:37
13	My understanding is that he grew up around	12:17:38
14	the area. So, he would know people that live in this	12:17:41
15	area.	12:17:45
16	Q. Okay. And do you have an understanding of	12:17:45
17	Sergeant Barber being friends with some of people	12:17:47
18	that surf down there?	12:17:51
19	MR. FLAUTT: Vague and ambiguous, lacks	12:17:55
20	foundation, calls for speculation, calls for double	12:17:57
21	hearsay. Please answer.	12:17:59
22	THE WITNESS: I don't know who he's friends	12:18:02
23	with.	12:18:05
24	BY MR. FRANKLIN:	12:18:06
25	Q. But you did have an understanding that he had	12:18:07

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1	some familiarity with people that surf Lunada Bay?	12:18:09
2	MR. FLAUTT: Objection, vague and ambiguous,	12:18:13
3	lacks foundation, calls for speculation, calls for	12:18:16
4	double hearsay.	12:18:19
5	THE WITNESS: I know that he knows a lot of	12:18:20
6	people around that area.	12:18:22
7	BY MR. FRANKLIN:	12:18:23
8	Q. And when it was "them", what were you	12:18:23
9	referring to when you said "them"; were those the	12:18:29
10	people that surf Lunada Bay?	12:18:32
11	A. Yes.	12:18:35
12	Q. And when you said they're infamous around	12:18:35
13	here, what did you mean with "they"; would it be the	12:18:42
14	surfers again around Lunada Bay?	12:18:45
15	A. Yes.	12:18:48
16	Q. And infamous, what did you mean my infamous?	12:18:48
17	A. A lot of people know that area as a surf	12:18:52
18	spot --	12:18:57
19	Q. Okay.	12:18:57
20	A. -- and that people surf there.	12:18:58
21	Q. Anything else?	12:19:00
22	A. No.	12:19:01
23	Q. And you used infamous as opposed to famous;	12:19:02
24	is there a reason that you used infamous?	12:19:06
25	A. Just poor word choice.	12:19:08

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1	Q. Around here, what were you referring to, the	12:19:11
2	City of Palos Verdes Estates or the police	12:19:14
3	department?	12:19:17
4	A. The City of Palos Verdes Estates.	12:19:17
5	Q. So, you were saying that they are well-known	12:19:20
6	in the City of Palos Verdes Estates?	12:19:22
7	A. Yes.	12:19:25
8	Q. When you say, they're pretty much grown men,	12:19:25
9	what were you referring to when you said "they", what	12:19:28
10	was "they" in that context?	12:19:31
11	MS. BACON: Lacks foundation, calls for	12:19:33
12	speculation.	12:19:35
13	THE WITNESS: People that surf in that area.	12:19:36
14	BY MR. FRANKLIN:	12:19:40
15	Q. And then later you said in the next sentence,	12:19:40
16	they don't like anyone that's not one of the Bay Boys	12:19:44
17	surfing down there.	12:19:50
18	When you say that "they", does that refer to	12:19:51
19	the surfers from Lunada Bay?	12:19:55
20	A. Yes.	12:19:57
21	MS. BACON: Same objection.	12:19:59
22	BY MR. FRANKLIN:	12:20:00
23	Q. And not one of the Bay Boys, were you	12:20:00
24	referring to the Bay Boys being the surfers from	12:20:02
25	Lunada Bay?	12:20:05

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1	A. The people that frequently surf in Lunada	12:20:05
2	Bay.	12:20:09
3	MR. FLAUTT: Belated objection, vague and	12:20:09
4	ambiguous, compound, lacks foundation.	12:20:10
5	MS. BACON: Join.	12:20:13
6	BY MR. FRANKLIN:	12:20:14
7	Q. When you said it's literally like a game with	12:20:14
8	kids on a school yard to them, is that "them" also	12:20:20
9	referring to the surfers that regularly surf Lunada	12:20:23
10	Bay?	12:20:27
11	A. Yes.	12:20:27
12	Q. And they don't want you playing on their	12:20:28
13	swing set, that "they" you were referring to the	12:20:32
14	surfers that regularly frequent Lunada Bay again?	12:20:34
15	A. Yes.	12:20:38
16	MS. BACON: Same objection.	12:20:39
17	BY MR. FRANKLIN:	12:20:40
18	Q. When you said, but you know it is what it is,	12:20:40
19	what did that phrase mean to you?	12:20:44
20	MR. FLAUTT: Vague and ambiguous, lacks	12:20:46
21	foundation, calls for speculation.	12:20:48
22	MS. BACON: Join.	12:20:50
23	THE WITNESS: As I said previously, it was	12:20:52
24	geared towards their mindset. Their mindset of them	12:20:54
25	not wanting to, you know, as I quoted there, their	12:20:58

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REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a Certified Shorthand Reporter in the State of California, certify that the foregoing pages are a true and correct copy of the original deposition of CATHERINE PLACEK, taken on Friday, June 23, 2017.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 23rd day of June, 2017.

(SIGNATURE WAIVED)


Angelique Melody Ferrio
CSR No. 6979

EXHIBIT 12

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public)
benefit corporation,)
Plaintiffs,)
vs.) Case No: 2:16-cv-)
02129-SJO (RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
including but not limited to SANG)
LEE, BRANT BLAKEMAN, ALAN JOHNSTON)
AKA JALIAN JOHNSTON, MICHAEL RAE)
PAPAYANS, ANGELO FERRARA, FRANK)
FERRARA, CHARLIE FERRARA, and N.F.;)
CITY OF PALOS VERDES ESTATES; CHIEF)
OF POLICE JEFF KEPLEY, in his)
representative capacity; and DOES)
1-10,)
Defendants.)

DEPOSITION OF THE CITY OF PALOS VERDES ESTATES
THROUGH AND BY TONY BEST
IRVINE, CALIFORNIA
WEDNESDAY, JULY 12, 2017

ATKINSON-BAKER, INC.
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REPORTED BY: GEHANE CASSIS. CSR No. 13020
FILE NO: AB06B06

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1 the facts, but you can answer. 10:19
2 A No. 10:19
3 BY MR. FRANKLIN: 10:19
4 Q So if he's out there recording, that's not on 10:19
5 behalf of the police department; that's fair to say? 10:19
6 A Yes. 10:19
7 Q Other than the cameras -- how often were the 10:19
8 camcorders used, in your understanding? 10:19
9 A We used the camcorders during the planned 10:19
10 events. So the Aloha event for the past two years from 10:19
11 when it started, just to record and document the 10:20
12 activity. 10:20
13 Q So there was some documentation of the 10:20
14 activities. I think the Aloha events, were both on 10:20
15 Martin Luther King Days; does that sound about right? 10:20
16 A Yes. 10:20
17 Q And the first one was it -- do you remember -- 10:20
18 in 2015 or was it '16? 10:20
19 A It must have been '15. 10:20
20 Q And in terms of that recording, was that kept 10:20
21 somewhere? 10:20
22 A I believe so. 10:20
23 Q Do you know is it still around? 10:20
24 A I'd have to check. 10:20
25 Q Are there more than one camera that would have 10:20

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1	been deployed for that event?	10:21
2	A Possibility.	10:21
3	Q Okay. Who would be the person that would know	10:21
4	about that?	10:21
5	A The Detective Sergeant Hellinga.	10:21
6	Q And would it be the same Detective sergeant	10:21
7	for both Martin Luther King Days events?	10:21
8	A Yes.	10:21
9	Q Do you recall the camcorders being deployed at	10:21
10	any other times as you sit here today?	10:21
11	A In --	10:22
12	Q Lunada Bay specifically.	10:22
13	A No.	10:22
14	Q And then other than the camera that was	10:22
15	installed during the four months ago and twice the	10:22
16	portable camera that was used on the Martin Luther King	10:22
17	events, were there any other police cameras used to	10:22
18	monitor Lunada Bay?	10:22
19	A No.	10:22
20	Q Okay. After the cameras, what else has been	10:22
21	done to address the issue of localism at Lunada Bay?	10:22
22	A Extra patrols to the area. So the officers	10:23
23	frequent that area to put themselves in positions to	10:23
24	observe violations or to have people who are in the area	10:23
25	if they experienced localism or felt harassed or believe	10:23

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1 they witnessed a crime, the officer would be in the area 10:23
2 available for them to report it. 10:23
3 Q And in terms of the extra patrols, when did -- 10:23
4 was there a certain time when those started? 10:23
5 A It was always just one of the areas that the 10:23
6 sergeant would always direct officers. On nice days or 10:23
7 high surf we would make sure the officers were out and 10:23
8 active in the area, just like if there was a large crowd 10:23
9 at one of the schools just for the police presence where 10:24
10 there is lots of people. 10:24
11 Q And in terms of these extra patrols, are 10:24
12 officers instructed to get out of their cars to go to 10:24
13 the beach? Or what type of instruction is given to the 10:24
14 sergeants? 10:24
15 A So we instituted a specific nature call in our 10:24
16 CAD system, which is the computer dispatch system that 10:24
17 records all the police activity that's transmitted over 10:24
18 the radio. So the officers gave location instead of 10:24
19 just driving-by location. We started documenting when 10:24
20 we were there. 10:24
21 For instance, we created a Nature Code for 10:24
22 Bluff Cove, Lunada Bay, the other surf areas. And the 10:24
23 officers would call out on the radio that they were 10:25
24 there; they'd gather cars, walk the trail at the bluff 10:25
25 top, observe if there is any surf activity on the 10:25

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1 trailhead or on the trail leading down on the beach. 10:25
2 How many surfers were in the water to give indication 10:25
3 of. If there is 30 surfers in the water, we know there 10:25
4 is going to be more people in the area. Or if there is 10:25
5 no surfers or if the surfs are really bad, sometimes 10:25
6 people observe storms. So to get a general sense of the 10:25
7 activity level and to put themselves in a position where 10:25
8 if something did take place, they can report it. 10:25
9 Q When did this -- you called it nature -- 10:25
10 A The Nature Codes. 10:25
11 Q The Nature Codes, when was that implemented? 10:25
12 A I believe, over a year ago. 10:25
13 Q So was that implemented under Chief Kepley's 10:26
14 watch? 10:26
15 A Yes, the Nature Codes. Yes. Prior to that, 10:26
16 we also had a -- we created a surf related specific 10:26
17 Nature Code for any incident where we took a report that 10:26
18 involved surf-related activity or crimes or harassment 10:26
19 or incident reports that didn't rise to the level of 10:26
20 criminality, but just for the documentation purposes. 10:26
21 And those could occur in any other beaches or any of the 10:26
22 surf spots in the city. 10:26
23 Q And back to the Nature Code, you mentioned 10:26
24 that the officers would count the number of surfers in 10:26
25 the water? 10:27

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1	A	Yes.	10:27
2	Q	And those are put into a CAD system?	10:27
3	A	Yes, they call it on the radio. So a typical	10:27
4		call -- the area unit would call a surf check on the	10:27
5		Lunada Bay, enter the call in the Nature. The officer	10:27
6		would get out of the car, walk to the edge, he could	10:27
7		clear the call, get back in his car and say I'm 108,	10:27
8		which is I'm clear for calls. No surfers in the water.	10:27
9		No surfers on the bluff top.	10:27
10	Q	And would that be recorded by the dispatcher	10:27
11		then?	10:27
12	A	In the call notes.	10:27
13	Q	Okay. Had you in your preparation for today	10:27
14		had the occasion to review any of those Nature-related	10:27
15		call as to Lunada Bay?	10:28
16	A	I did not.	10:28
17	Q	Have you reviewed those ever before?	10:28
18	A	Those are produced in e-mail -- the patrol	10:28
19		log. So all the activity that took place in that day is	10:28
20		e-mailed to -- I know I get it, Mark Valez, the captain	10:28
21		gets it. And we'll scan it to look for things that are	10:28
22		kind of out of the ordinary or major crimes that	10:28
23		occurred that we've been kind of following. If	10:28
24		detectives find out if this is something that's going to	10:28
25		carry out the next day or a school incident.	10:28

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1	Q	And in terms of your 21 and a half years	10:28
2		working for the city, do some of the beaches seem to	10:28
3		have more surfers in the water than others?	10:28
4	A	Yes.	10:29
5	Q	Which ones have the most?	10:29
6	A	Bluff Cove. It's a substantially larger beach	10:29
7		and easy access. And Rat Beach or Haggert's which is	10:29
8		the boarder of Torrance and PV Estates. And I think	10:29
9		it's because of the easy access.	10:29
10	Q	And how many if you had to estimate on what's	10:29
11		the most number of humans in the water you've seen in	10:29
12		those beaches?	10:29
13	A	Thirty to 40, maybe.	10:29
14	Q	And in terms of the CAD system, the officers	10:29
15		do headcounts now for the last year at the beaches, like	10:29
16		estimate there is 30 or 40 surfers in the water?	10:30
17	A	I think a headcount is pretty scientific.	10:30
18		This is kind of a general estimate.	10:30
19	Q	Yeah. So do they give an estimate of how many	10:30
20		people are in the water?	10:30
21	A	Yes.	10:30
22	Q	And in terms of Lunada Bay and the number of	10:30
23		the people in the water, is it ever fewer than Bluff	10:30
24		Cove?	10:30
25		MR. GLOS: Objection. Vague.	10:30

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1 by the City to address the issue of localism? 12:15
2 MR. GLOS: And I'll just object as overbroad. 12:16
3 A We've conducted several surveillance and 12:16
4 undercover operations in regards to surfing in the area. 12:16
5 BY MR. FRANKLIN: 12:16
6 Q When was the first time a undercover operation 12:16
7 conducted? 12:16
8 A The one I was aware of and was working that 12:16
9 day was in '99 or 2000. It was a officer from Hawthorne 12:16
10 Police Department drove some type of van or had some 12:16
11 kind of markings that said surf tours, or something on 12:17
12 it, and parked it in the area in hopes that somebody 12:17
13 would -- well, not hopes, but I guess to see if he was 12:17
14 going to be harassed or assaulted or the vehicle 12:17
15 vandalized. 12:17
16 Q Any other undercover operations that you're 12:17
17 aware of? 12:17
18 A On the first MLK Day, Aloha event, we had 12:17
19 undercover officers on the beach and up on the bluff 12:17
20 during the entire incident. 12:17
21 Q What was the purpose of those undercover 12:17
22 officers? 12:17
23 A To get a non-uniform perspective on what was 12:17
24 taking place down there. Obviously, we talked about 12:18
25 physical presence of a police officer in uniform could 12:18

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1 have an effect on someone's behavior. We wanted to 12:18
2 gauge what that behavior would look like if those people 12:18
3 that were at the bottom of the cliff or at top believed 12:18
4 that there was no police presence. 12:18
5 Q Is there a report of that particular 12:18
6 undercover operation? 12:18
7 A There is. 12:18
8 Q Do you recall the results of that report? 12:18
9 A I don't believe there were any major incidents 12:18
10 or arrests in that. And that was the one I commented on 12:18
11 earlier on when I encountered the surfer from Oxnard 12:18
12 saying that -- in regards to I asked him if he was 12:19
13 harassed down there, and his comment was "Nothing more 12:19
14 than I do to people that come surf my area." 12:19
15 Q And in terms of who was in charge of putting 12:19
16 that undercover operation, was that Chief Kepley? 12:19
17 A I was. 12:19
18 Q Oh, you were. And were you the author of that 12:19
19 report? 12:19
20 A Of the operations plan, yes. 12:19
21 Q So there was an operations plan in addition to 12:19
22 a report? 12:19
23 A It was a operations plan, and then I believe 12:19
24 there was a follow-up report. I'd have to check to just 12:19
25 kind of have an overview stating how many people 12:20

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1 attended, there were no major incidents, how many 12:20
2 parking cites were issued, how many arrests were made if 12:20
3 any, how many citations were issued. And that was the 12:20
4 first year we -- that event took place. 12:20
5 Q And in terms of undercover operations between 12:20
6 the one in '99 or 2000 and the one that was on Martin 12:20
7 Luther King in 2015, were there any other undercover 12:20
8 operations that you're aware of? 12:20
9 A No. 12:20
10 Q And then in terms of the one in '99 or 2000, 12:20
11 do you know who was in charge of that one? 12:20
12 A I do not. 12:20
13 Q And in terms of the one on MLK Day, the 12:20
14 officers you put down below, are those from people at 12:20
15 Palos Verdes Estates or were those reserve officer of 12:21
16 some other jurisdiction? 12:21
17 A They were a combination of our officers and 12:21
18 officers from other jurisdictions. 12:21
19 Q And in terms of -- city officers, I assume 12:21
20 that's what you mean by they are? 12:21
21 A Yes. 12:21
22 Q And in terms of city officers, were they 12:21
23 reserve officers or were they full-time officers? 12:21
24 A I believe, both. 12:21
25 Q And were the people down below on the 12:21

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1 undercover operation on Martin Luther King Day in 2015 12:21
2 they were not in uniform? 12:21
3 A Correct. 12:21
4 Q And how about -- do you recall what 12:21
5 jurisdictions were involved in terms of -- 12:21
6 A It was coordinated through our use of what's 12:21
7 called SIU Redondo Beach PD. There were 12:21
8 multi-jurisdiction of our unit. We actually had an 12:22
9 officer assigned to the SIU Unit and they dealt with 12:22
10 career criminal, burglars, kind of crime trends in the 12:22
11 area. And they did a lot of surveillance. And since we 12:22
12 had an officer on that detail, we requested and used 12:22
13 their service. 12:22
14 Q Do you remember how many people they provided? 12:22
15 A I believe SIU alone, five but that would be on 12:22
16 the Ops plan. 12:22
17 Q And then in terms of the report, did you 12:22
18 interview those five officers afterwards, or how did you 12:22
19 get the information that they learned from it? 12:22
20 A From the watch commander and the officers on 12:22
21 the scene. 12:23
22 Q So did the officers from -- who worked that 12:23
23 Palos Verdes Estates, they reported to the watch 12:23
24 commander and the officers on the scene subsequently? 12:23
25 A No, that's who I got the information from. So 12:23

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1	I wouldn't necessarily interview every officer on the	12:23
2	scene. If there were incidents to report, they would	12:23
3	report them and those would get reported up.	12:23
4	Q Okay.	12:23
5	A Does that make sense?	12:23
6	Q I think I understand what you're saying. So	12:23
7	unless they reported something to you, there wasn't an	12:23
8	interview of each officer of what took place, what did	12:23
9	you learn, that type of thing?	12:23
10	A Correct.	12:23
11	Q And then any other undercover operations other	12:23
12	than those two that you're aware of?	12:23
13	A Other than me being a runner and a hiker.	12:24
14	Q Anybody else go down there besides you that	12:24
15	you're aware of?	12:24
16	A You're talking about sightseeing capacity?	12:24
17	Q Yeah, in terms of people who would have	12:24
18	familiarity with things that go down at Lunada Bay, is	12:24
19	there any anybody else who likes to walk down to Lunada	12:24
20	Bay other than you that five or six times per year that	12:24
21	you've been doing it for the last five years?	12:24
22	A I don't think so.	12:24
23	Q It's 12:25. Why don't we take lunch.	12:24
24	MR. GLOS: Fine with me.	12:25
25	(Recess taken.)	12:25

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1 operation with outside resources from another 03:05
2 department. And I didn't know when that was to take 03:05
3 place, what time. It was kind of -- information wasn't 03:05
4 distributed about it. And I learned about its canceling 03:05
5 when the chief called me and he -- he was -- he said the 03:05
6 operation at Lunada Bay is canceled and he was not 03:05
7 happy. And I was going to -- okay. I wasn't part of 03:06
8 the planning or execution of this, so I don't know if he 03:06
9 was trying to get a hold of Mark, but he told me it was 03:06
10 canceled I said okay. That's the extent of the 03:06
11 information I had on that operation. 03:06
12 Q In terms of your preparation for today, did 03:06
13 you do any research in terms of testifying on behalf of 03:06
14 the City on that undercover operation? 03:06
15 A No. 03:06
16 Q And has the report that was prepared on that 03:06
17 undercover operation by Norman A. Trobin Association, 03:06
18 has that been made available to you? 03:06
19 A No. 03:06
20 Q What information do you have about was there a 03:06
21 reason why that was canceled? 03:06
22 A It was an officer safety issue with -- somehow 03:07
23 the information -- someone had called the chief and 03:07
24 asked him about an operation that was planned for Lunada 03:07
25 Bay. The chief took that information, and from my 03:07

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1 understanding, felt that there was an officer safety 03:07
2 issue. That someone commented on an operation in Lunada 03:07
3 Bay and there was one in the works, so he felt it was 03:07
4 best to cancel it. 03:07
5 Q And in terms of officer's safety, is that 03:07
6 because they're worried about harm to officers down at 03:07
7 Lunada Bay related to the issue of localism? 03:07
8 A I think it would be in any operation where 03:07
9 you're trying to, I guess, get pure unaltered data or 03:07
10 responses from people when you -- if the information is 03:08
11 leaked, that could be leaked to other sources or other 03:08
12 people, and just for the overall integrity of the 03:08
13 investigation and the operation and for the, I guess, 03:08
14 respect of time of -- of the other agency who was 03:08
15 offering up officers. 03:08
16 Q And in terms of -- do you understand that this 03:08
17 leaked information or statement was made to the chief of 03:08
18 police, or do you understand it was made to the City 03:08
19 manager or do you have no idea? 03:08
20 A My recollection, it was to the chief. 03:08
21 Q Okay. And if it had been made to the City 03:08
22 manager, you wouldn't know about that? 03:09
23 A No. 03:09
24 Q Do you know a person named Mike Thiel? 03:09
25 A I do not know him. No. 03:09

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1	<u>Q</u>	<u>Have you heard of that name being associated</u>	03:09
2		<u>with someone who frequents Lunada Bay?</u>	03:09
3	<u>A</u>	<u>Yes.</u>	03:09
4	<u>Q</u>	<u>What do you know about Mr. Thiel?</u>	03:09
5	<u>A</u>	<u>That he's associated with Lunada Bay.</u>	03:09
6	Q	Anything else other than him being associated	03:09
7		Lunada Bay?	03:09
8	A	I don't. Sorry.	03:09
9	Q	And do you know, was there any follow-up in	03:09
10		terms of the day that Diana Milena Reed was harassed	03:09
11		down there is the same day someone said there better not	03:09
12		be an undercover operations down there?	03:09
13		MR. COOPER: Objection. Assumes facts not in	03:10
14		evidence. Argumentative.	03:10
15		MR. FRANKLIN: Let me finish the question I'm	03:10
16		happy to ask the question if you just let me finish it	03:10
17		before you object.	03:10
18		MR. COOPER: I apologize. I thought you had	03:10
19		finished. Very eager.	03:10
20		BY MR. FRANKLIN:	03:10
21	Q	The question is: Has there been any	03:10
22		investigation or has it come to your attention today as	03:10
23		someone in management that the first time -- the very	03:10
24		first day that Diana Milena Reed was harassed on	03:10
25		February 13th is also the day that was the planned	03:10

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1 undercover operation? 03:10
2 MR. COOPER: Objection. Assumes facts not in 03:10
3 evidence. Argumentative and harassing. The video for 03:10
4 that speaks for itself. Again Robert Cooper for -- 03:10
5 A So the question: Was there an 03:11
6 investigation -- 03:11
7 BY MR. FRANKLIN: 03:11
8 Q Was that taken into consideration in terms of 03:11
9 Diana Milena Reed investigation, the day she's harassed 03:11
10 is also the day set for the undercover operation? 03:11
11 MR. COOPER: Same objection. 03:11
12 MR. GLOS: And I'll just object as vague. 03:11
13 Taking into consideration the investigation which one or 03:11
14 both? 03:11
15 MR. FRANKLIN: Both. Did you know that before 03:11
16 today -- did you know before today -- did you know the 03:11
17 day she had her interaction with Mr. Blakeman and 03:11
18 Mr. Johnston down at the Rockfort structure is the very 03:11
19 day that was set for the undercover operation? 03:11
20 A No. 03:11
21 Q And if the undercover operation was canceled, 03:11
22 would that -- there would be no extra people deployed 03:12
23 down to the area at that time, or how would that 03:12
24 normally work? 03:12
25 A If there was no undercover operation planned, 03:12

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1 we would operate where the patrol officer patrols the 03:12
2 area, periodically do surf checks. I don't know if VIP 03:12
3 or park land were on duty at that time. There wouldn't 03:12
4 be anything to suggest that we should deploy extra 03:12
5 people. 03:12
6 Q And then before today, were you aware that -- 03:12
7 I'm going to make this representation -- Defendant 03:12
8 Blakeman had a cell phone issued to him by the City of 03:12
9 Palos Verdes Estates; he was using it in communicating 03:13
10 with various surfers down at Lunada Bay. Did you know 03:13
11 that before today? 03:13
12 MR. COOPER: Objection. Assumes facts not in 03:13
13 evidence. 03:13
14 MR. GLOS: Join. Lacks foundation. You can 03:13
15 answer. 03:13
16 A There is a lot wrapped up in there. When he 03:13
17 was issued the phone; he communicated the surfers with 03:13
18 Lunada Bay. 03:13
19 He was not issued the phone. Are you familiar 03:13
20 with the DDP Program? 03:13
21 BY MR. FRANKLIN: 03:13
22 Q Tell me about the DDP. 03:13
23 A Disaster District Program. Each of the school 03:13
24 sites in our City has a storage container. It contains 03:13
25 a cash of emergency supplies and equipment. In the 03:13

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1 event there is an emergency in the City, a natural 03:13
2 disaster, we have disaster service workers and 03:13
3 volunteers who report to those containers. There is a 03:13
4 container lead. Inside of those containers are not 03:13
5 supplies for the residents, but they're supplies for the 03:14
6 service workers to go out and do assessments on -- I was 03:14
7 going to say bridges, but the one bridge we have in the 03:14
8 City -- landslides, gas lines, general assessment. And 03:14
9 they can report back to the police department and to the 03:14
10 emergency operation center. The container lead has a 03:14
11 go-bag issued to them. In that go-bag there is a cell 03:14
12 phone, and that's the City cell phone that I believe 03:14
13 you're referring to. That particular continuer lead was 03:14
14 Sandy Durko who lived in Lunada Bay. And he -- from 03:14
15 what I understand -- went out of state and handed the 03:14
16 go-bag to Brant Blakeman who is a volunteer and part of 03:14
17 the duty program to assist in the event of emergency in 03:14
18 the City. 03:15
19 I did -- I'm also in charge of the budget of 03:15
20 the police department. I pay the bills. Periodically, 03:15
21 I do audits and certain processes we have and one of 03:15
22 them was cell phones. I looked -- I call them disaster 03:15
23 phones -- that there was activity on it. I contacted 03:15
24 Marcelle McCaullin, who is the emergency services 03:15
25 coordinator and community relations officer for the City 03:15

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1 to get a roaster of the phones. And through short 03:15
2 investigation found out that the phone with the activity 03:15
3 was in possession of Brant Blakeman. 03:15
4 BY MR. FRANKLIN: 03:15
5 Q And when did you learn about that? 03:15
6 A I have to check it would be easy to find out 03:15
7 because it's when we took possession of the phone. 03:16
8 Q Was that at the beginning of this year 2017? 03:16
9 A I would say so yes. 03:16
10 Q Did you speak to Sandy Durko to follow up with 03:16
11 him in terms of when the phone was last in his 03:16
12 possession? 03:16
13 A No. 03:16
14 Q And did you have an understanding that the 03:16
15 phone had been in Mr. Blakeman's possession for almost a 03:16
16 full year at least prior to that time? 03:16
17 A I believe I found out that information through 03:16
18 Marcel McCaullin through the DDP Program. And we also 03:16
19 kind of established we really didn't have a policy that 03:16
20 they sign for phones and say it's not to be used for any 03:16
21 purposes other than a natural disaster or activation. 03:16
22 Q There is no policy like that or there is? 03:17
23 A There was not. 03:17
24 Q Okay. 03:17
25 A So we recalled the phone. We asked Brant 03:17

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1 Blakeman for the phone. He gave us the phone and we 03:17
2 preserved that in the state that we received it in. 03:17
3 Q And Mr. Blakeman in his deposition referred to 03:17
4 it as being a CERT Program. Is that the same thing? 03:17
5 A CERT is the Community Response Team and DDP 03:17
6 being the perform -- they perform similar functions. 03:17
7 CERT is a type of training that people receive. Most of 03:17
8 our DDP members are part of CERT. 03:17
9 We have some engineers, structural engineers, 03:17
10 some doctors, people who have very specific skill sets 03:17
11 that are on DDP to help the community. And we believe 03:18
12 when the big one hits California, that PV Estates is 03:18
13 going to be isolated from water and from services 03:18
14 because most of the services are going to be drawn to 03:18
15 the larger population centers of Los Angeles in the 03:18
16 greater area. 03:18
17 Q So Mr. Blakeman, I'm going to represent, 03:18
18 testified during his testimony that he's a 03:18
19 transportation technician. He's a mover. 03:18
20 Is that someone whose skill set is needed for 03:18
21 the DDP Program? 03:18
22 A You know I don't necessarily think -- I don't 03:18
23 -- we don't have certain skill sets that we require. 03:18
24 Some are bonuses. Obviously, structural engineer is to 03:18
25 have on your cadre of volunteers is very good. A lot of 03:18

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1 the -- the activities that the DDP and the disaster 03:18
2 district workers perform is observing report. So they 03:19
3 go out in the community in teams and report back. 03:19
4 So as far as volunteer go, I would take any 03:19
5 hard-working volunteer. 03:19
6 Q So in terms of -- back to the phone, you 03:19
7 didn't understand that Mr. Blakeman had possession of 03:19
8 the phone until sometime early in 2017? 03:19
9 A Correct. 03:19
10 Q And is it fair to say that policy or no 03:19
11 policy, the City really didn't anticipate private 03:19
12 citizens would be using the City's cell phone for 03:19
13 personal or other uses? 03:19
14 A Correct. 03:19
15 Q And is Captain Valez, he's the one the phone 03:19
16 bill goes to him? 03:19
17 A The phone bill is in his name, but he used to 03:19
18 be in charge of the budget. And if it's his Verizon or 03:19
19 Frontier or any of the utilities, they all come to me to 03:20
20 pay. 03:20
21 Q And in terms of until the beginning of this 03:20
22 year, you just had notice that there had been extra 03:20
23 calls or charges related to that phone? 03:20
24 A Correct. 03:20
25 Q How many -- how many cell phone bills do you 03:20

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1	<u>review?</u>	03:20
2	<u>A</u> <u>Well, we have the cell phone bills are</u>	03:20
3	<u>co-mingled with radio lines -- or were co-mingled with</u>	03:20
4	<u>radio lines to the City, the City business lines. There</u>	03:20
5	<u>is quite a few lines on there. So it's hard to say.</u>	03:20
6	<u>Q</u> <u>Are there more than a dozen?</u>	03:20
7	<u>A</u> <u>There is probably 30 or 40.</u>	03:21
8	<u>Q</u> <u>Thirty or 40 phones.</u>	03:21
9	MR. GLOS: Counsel, we've been going for about	03:21
10	two hours. When you get to a point of transition --	03:21
11	MR. FRANKLIN: That's fine.	03:21
12	(Recess taken.)	03:21
13	BY MR. FRANKLIN:	03:33
14	<u>Q</u> <u>Captain Best, you're still under oath. Do you</u>	03:34
15	<u>understand that?</u>	03:34
16	<u>A</u> <u>Yes.</u>	03:34
17	<u>Q</u> <u>Can you -- in terms of the reserve officers,</u>	03:34
18	<u>was there a reserve Officer Robert Van Lingden?</u>	03:34
19	<u>A</u> <u>Yes.</u>	03:34
20	<u>Q</u> <u>When did he stop working during working for</u>	03:34
21	<u>the City?</u>	03:34
22	<u>A</u> <u>I believe, about a year ago.</u>	03:34
23	<u>Q</u> <u>So you think sometime in July 2016?</u>	03:34
24	<u>A</u> <u>Yes, I'd be able to recall the exact dates.</u>	03:34
25	<u>Q</u> <u>And in terms of Mr. Van Lingden, is it</u>	03:34

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

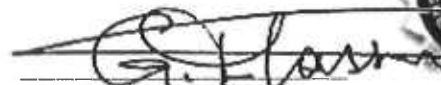
That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.


I further certify that I am neither financially interested in the action nor a relative or employee or attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: 07/13/2017.

(Reading and Signing was not requested.)


GEHANE CASSIS
CSR No. 13020



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